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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,718	05/23/2001	Rick Korczak	47176-00693USP1	1494

7590

02/26/2003

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,718

Applicant(s)

KORCZAK ET AL.

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-39 is/are allowed.
- 6) ☒ Claim(s) 40-42, 44-48, 50, 51, 57, 58, 62, 66 and 68-72 is/are rejected.
- 7) ☒ Claim(s) 43, 49, 52, 56, 59-61, 63-65 and 67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 November 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This is the second office action for serial number 09/863,718, Stackable Transmission Line Hanger, filed on May 23, 2001. This application is a Continuation-In-Part of 09/430,496, October 29, 1999 now Patent 6,354,543 which is a Continuation-In-Part of 09/229,843, January 12, 1999.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 40-42, 44-48, and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,638,672 to Furukawa. The present invention reads on Furukawa as follows: Furukawa teaches a stackable hanger having a resilient material and a generally U-shaped body (12, 14) with arms (22) which is able to grip a line (C). The distal ends of the arms is structured to snap lock (22b) onto a second line support (12, 14). The hanger has a snap-in stacking provision (20a, 22a, 22b). The snap-in stacking provision comprises an opening (20a). The opening is an aperture with a curved boundary. A second stackable snap-in line hanger snap-locked onto the stacking provision. The distal ends of the arms are adapted to snap lock into an opening and wherein the stacking provision comprising an opening. Regarding claim 47, the

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apparatus is formed from an elastomeric material which inherently possess dampening characteristics. Regarding claim 50, the distal ends of the arms have barbs (22a,22b) with a cross-sectional curvature substantially matching a curvature of the boundary along an area of engagement with the aperture.

Claims 62, 66, 68, and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,967,468 to Veghte. The present invention reads on Veghte as follows: Veghte teaches a hanger having a generally U-shaped body (not numbered) with arms which grips a-line. The distal ends of the arms have barbs (32b, 34b) structured to snap-lock onto an edge of an opening (8) in a line support (5). The hanger arms each has tab or means (50) structured to abut an opposite surface of the edge from that engaged by the barb and create a fixed point or line for the hanger when side loaded.

Claims 70 and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,563,240 to Heath. The present invention reads on Heath as follows: Heath teaches a hanger having a generally U-shaped body (1) has a retention section (1,6) adapted to engage an article. A pair of legs (5) extends from the retention section. The retentions section includes integral spring fingers (6). The distal end of the legs is structured to lock into an opening (7) in a support structure (8). The legs each have between the retention section and the distal end an extension section (3) which substantially increases a length of the leg, thereby decreasing an insertion force required to insert the hanger into the opening.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51, 57, 58, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,967,468 to Veghte et al. in view of U.S. Patent No. 3,536,281 to Meehan. Veghte teaches a hanger having a generally U-shaped body (not numbered) with arms which grips a-line. The distal ends of the arms have barbs (32b, 34b) structured to snap-lock onto an edge of an opening (8) in a line support. The barb has an edge-engaging surface or brace (50). However, Veghte fails to teach the edge-engaging surface being serrated or notched.

Meehan teaches the locking engagement of a body (12) onto an article (64). The locking engagement is performed by serrated teeth mounted on the body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the barb edge engaging surface as taught by Veghte to have incorporate the serrated or notched surface as taught by Meehan.

Claim 72 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heath in view of U.S. Patent No. 3,444,596 to Soltysik. Heath teaches the limitations of the base claim, excluding the spring fingers being S-shaped. Soltysik teaches a hanger having a retention section and a

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spring fingers. It would have been obvious to one having ordinary skill in the art the time the invention was made to have modified the fingers to have incorporated the S-shaped for the purpose of providing additional force to retain the article therein.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 71 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,161,804 to Paske. Paske claims the limitations of the present invention, namely the U-shaped body having a retention section, a pair of legs wherein the distal end of which structured to lock into an opening in a support structure. The legs each having between the retention section and the distal end an intermediate section from which is formed in a direction from the distal end toward the retention section an integral spring finger. The spring finger being deflected inwardly from the intermediate

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section so as to engage and support an article residing in the retention section. A resiliency in the spring finger being adapted to accommodate articles of different diameters.

Allowable Subject Matter

Claims 43, 49, 52-56, 59, 60, 61, 63-65 and 67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 33 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the locking barb having a folded over rib, the aperture having a stiffening flange; or the brace having an in turned side with a distal edge which engages the opposite surface wherein the out-turned and in turned side of the brace stiffening the brace and widening its footprint on the opposite surface.

Claims 1-19, 20-32, and 34-39. The terminal disclaimer filed on November 25, 2002 overcome the rejection set forth in the Office action, paper no. 11.

Conclusion

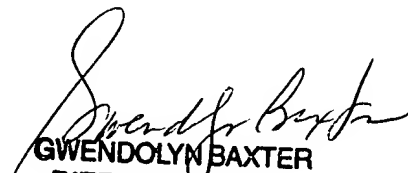
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is (703) 308-0702. The

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examiner can normally be reached Monday-Friday from 8:30 A.M. to 5:00 P.M. Eastern Time Zone.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-3597.

GB
February 21, 2003


GWENDOLYN BAXTER
PATENT EXAMINER
Art Unit 3632